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22 Attorneys for Plaintiffs and the Certified Class

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 MATHEW ROSS, an individual; for himself) CASE NO: C 13-05097 PJH
16 and those similarly situated; ROBERT) Action filed December 21, 2009
17 MAGEE, an individual, for himself and those)
18 similarly situated and ROES 1 through 30,000;)
19 and the Certified Class,)
20)
21 Plaintiffs,)
22)
23 vs.)
24)
25 ECOLAB, INC., a Delaware Corporation; and)
26 DOES 1 through 100, inclusive,)
27)
28 Defendants.)

Hearing:

Date: August 31, 2016
Time: 9:00 a.m.
Courtroom.: 3, 3rd Floor

DECLARATION OF MICHAEL A. STRAUSS

I, Michael A. Strauss, declare as follows:

1. I am an attorney duly licensed to practice law before all the courts in the State of California. I am a shareholder of Strauss & Strauss, A Professional Corporation¹, attorneys of record for Matthew Ross, Robert Magee, and the certified class in the above-captioned matter.

2. I make this Declaration based upon my own personal knowledge. If called as a witness, I would and could competently testify to the facts stated herein.

3. I was admitted to the California Bar in December 2006 and began working for (and as a shareholder of) Palay Law Firm on January 1, 2011. Prior to then, I was an associate at Strauss Law Group, APC. Since admission to the Bar, I have spent 95% of my time litigating employment cases on behalf of employees.

4. I received my undergraduate degree from the University of California, Berkeley in 2001. I received my law degree from Wake Forest University School of Law in May 2006. While in law school, I clerked for the National Labor Relations Board in Winston-Salem, North Carolina and for the Forsyth County, North Carolina District Attorney's office and the Ventura County District Attorney's office.

5. I have represented many plaintiffs in employment law matters. I have taken numerous employment-related cases to trial in civil and administrative actions in Southern and Central California.

6. The primary focus of my practice is on class action litigation, where I represent employees against their employers. I am counsel of record in no fewer than 13 currently pending class or putative class actions. I have been appointed as Class Counsel in various wage-and-hour class actions, including most notably *Ladore v. Ecolab, Inc.*, United States District Court for the Central District of California case number 2:11-cv-09386 (April 11, 2012, Dkt. 30) (on a contested motion for

¹ Strauss & Strauss, A Professional Corporation is a dba of Strauss & Palay, A Professional Corporation. Strauss & Palay, A Professional Corporation was formerly named Palay Law Firm, A Professional Corporation. The court certified the class and appointed my firm as Class Counsel in 2012, when the firm was named Palay Law Firm, A Professional Corporation.

1 class certification). I received commendation from the Mayor of Lancaster, California for my work on
 2 the *Ladore* matter.

3 7. I have been named as a Southern California Rising Star (Employment litigation –
 4 Plaintiffs) by Super Lawyers ® magazine every year since 2011.

5 8. I am a leader in the local legal community, sitting on the Board of the Ventura County
 6 Bar Association from 2011-2015 and was President of the Ventura County Barristers in 2009. I
 7 currently sit on the board for the Ventura County Bar Association's Lawyer Referral and Information
 8 Service.

9 9. I regularly speak at CLE events on employment and labor law topics. In October 2015
 10 I gave an MCLE presentation about developments in California wage-and-hour law for the Ventura
 11 County Trial Lawyers Association, at which numerous Ventura County Superior Court judges were in
 12 attendance. In March 2016 I gave a similar presentation to the East Ventura Employer Advisory
 13 Council in Thousand Oaks, California.

14 10. I am a member of the California Employment Lawyers Association (CELA). I attend
 15 CELA events, such as its Trial College, where the cream of California plaintiffs-employment lawyers
 16 give one-on-one and group instruction and critiques to attendees over three days. The CELA board
 17 has asked me to speak at its Annual Employment Law Conference in September 2016, and I have
 18 accepted the invitation.

19 11. In the past few years, courts and arbitrators in California have awarded my fees at the
 20 rate of \$500 per hour. These fee awards arose in connection with arbitrations before Wayne D. Brazil
 21 (Ret.), Hon. Richard M. Silver (Ret.), and Hon. David A. Garcia (Ret.), who all found that \$500 was a
 22 reasonable rate in the San Francisco Bay Area for my services. *Heffernan v. Zep, Inc.*, JAMS Ref. No.:
 23 1100074584 (Final Award dated January 27, 2014); *Garellick v. Acuity Specialty Prods., Inc.*, JAMS
 24 Ref. No.: 1100074585 (Award dated March 31, 2014); *Woodford v. Acuity Specialty Prods., Inc.*,
 25 JAMS Ref. No.: 1100074581 (Final Award dated March 26, 2014). They also include arbitrations
 26 held in Los Angeles by the Hon. Candace D. Cooper (Ret.) and Hon. Diane Wayne (Ret.). *Unrine v.*
 27 *Zep Inc.* JAMS Case No. 1220046530 (Final Award dated August 8, 2014) and *Mora v. Zep Inc.*,

¹ JAMS Case No. 1220046522 (Final Award dated July 10, 2014).

2 12. Additionally, in a Minute Order dated July 30, 2014, the United States District Court
3 for the Central District of California, in a wrongful termination and unpaid wages case, awarded me
4 fees at the requested rate of \$500 per hour. *Monaghan v. Telecom Italia Sparkle of North America,*
5 *Inc.*, No. CV 13-0646 ABC (PLAx) (C.D. Cal. July 20, 2014).

6 13. My firm is representing the within plaintiffs purely on a contingency-fee basis (and
7 advancing all costs along the way).

8 14. In litigating this action, I made every effort to keep my time to a minimum, and only
9 performed those activities that I believed were necessary to the prosecution of this action.

15. I predominantly kept track of my time using the firm's timekeeping software, Harvest.

11 16. Exhibit 2 to the concurrently filed Declaration of Brian D. Hefelfinger in Support of
12 Motion for Attorney's Fees breaks down by categories the hours that I worked on this case. All of the
13 time I put in the case was reasonable and necessary given the highly contested nature of the case. I
14 made every effort to reduce attorney's fees by assigning work to the lowest billing timekeepers where
15 feasible. For example, work was assigned to associates when available.

16 I declare under penalty of perjury and under the laws of the United States of America that the
17 foregoing is true and correct. Executed this 2nd day of August, 2016, at Ventura, California

/s
Michael A. Strauss